

Message Text

LIMITED OFFICIAL USE

PAGE 01 USUN N 03274 172049Z

71

ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 /160 W
----- 025983

P R 171946Z AUG 76

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 8700

INFO AMEMBASSY LIMA

LIMITED OFFICIAL USE USUN 3274

FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: INFORMAL MEETING OF NEGOTIATING GROUP I (ECONOMIC ZONE) OF COMMITTEE II, PM, 16 AUGUST 1976

1. SUMMARY. GENERAL DEBATE ON LEGAL STATUS OF ECONOMIC ZONE TEMPORARILY EXHAUSTED ITSELF, WITH UNSUCCESSFUL ATTEMPT BY CHAIRMAN TO GENERATE DEBATE ON QUESTION OF RIGHTS OF OTHER STATES IN ECONOMIC ZONE. DEBATE HIGH-LIGHTED BY PERUVIAN INTERJECTION OF QUESTION OF MILITARY USES OF ECONOMIC ZONE.

2. GENERAL DEBATE ON LEGAL STATUS OF ZONE HEARD CONGO, ECUADOR, LIBYA, PERU, MADAGASCAR AND SOMALIA ON THE ONE SIDE, WITH CZECHOSLOVAKIA AND ZAMBIA ON THE OTHER.

PERU, AFTER SUGGESTING THAT ARTICLE 75, RSNT, BE AMENDED

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 USUN N 03274 172049Z

BY ADDING AT THE END THEREOF QUOTE WITHOUT PREJUDICE TO

THE RIGHTS OF OTHER STATES IN THE EXCLUSIVE ECONOMIC ZONE AS PROVIDED FOR IN ARTICLE 46. UNQUOTE, LAUNCHED A VEHEMENT ATTACK ON THE MARITIME POWERS, ALLEGING THAT QUOTE THEIR ACADEMIC DEBATE ABOUT HIGH SEAS FREEDOMS IN THE EXCLUSIVE ECONOMIC ZONE IS A MASQUERADE TO CONCEAL MILITARY INTERESTS UNQUOTE. THEY FURTHER STATED THAT STATUS OF ZONE IS A SUBSTANTIVE ISSUE AND HIGH SEAS STATUS WOULD LEGITIMIZE THOSE MILITARY ACTIVITIES. TABLED FOLLOWING AMENDMENTS TO RSNT: A. ARTICLE 46. DELETE ARTICLE 46-2, EXPLAINING THAT HIGH SEAS PROVISIONS CROSS-REFERENCED ARE INCOMPATIBLE WITH COASTAL STATES RIGHTS IN THE ZONE, AND ADD A NEW ARTICLE 46-4 READING QUOTE STATES SHALL ENSURE THAT SHIPS AND AIRCRAFT UNDER THEIR FLAG, WHILE PASSING THROUGH OR OVER THE EXCLUSIVE ECONOMIC ZONE OF A COASTAL STATE, REFRAIN FROM ANY ACT WHICH MAY MENACE THE PEACE OR THE POLITICAL INDEPENDENCE OF SUCH STATE UNQUOTE. IT WAS EXPLAINED THAT THIS ARTICLE WAS NOT REPEATED NOT INTENDED TO INCORPORATE LISTING OF ACTS UNDER ARTICLE 18-2.

B. ARTICLE 48. EITHER REVISE ARTICLE 48-1 TO READ QUOTE THE COASTAL STATE SHALL HAVE THE EXCLUSIVE RIGHT TO CONSTRUCT, AND TO AUTHORIZE AND REGULATE THE CONSTRUCTION, OPERATION AND USE IN ITS EXCLUSIVE ECONOMIC ZONE, OF ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND DEVICES, UNQUOTE OR, ALTERNATIVELY, ADD A NEW ARTICLE 48-9 READING QUOTE THE PROVISIONS OF THIS ARTICLE MAY NOT BE INTERPRETED IN THE SENSE THAT THE PRESENT CONVENTION AUTHORIZES THE EMPLACEMENT IN THE EXCLUSIVE ECONOMIC ZONE OF A STATE, OF INSTALLATIONS, STRUCTURES AND DEVICES OTHER THAN THOSE MENTIONED IN PARAGRAPH 1, WITHOUT THE CONSENT OF THAT STATE UNQUOTE.

3. CZECHOSLOVAKIA SUGGESTED THAT FOR NAVIGATION AND OTHER PURPOSES THE EEZ IS HIGH SEAS, WHILE FOR RESOURCE PURPOSES, IT IS A ZONE OF NATIONAL JURISDICTION. IF THAT CANNOT BE RECONCILED, THEN THEY PREFER NO DEFINITION OF STATUS OF ZONE.

4. KUWAIT SUGGESTED A PACKAGE OF ARTS. 44 AND 51, LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 USUN N 03274 172049Z

WHILE ECUADOR CALLED FOR DELETING ARTICLE 53 (IF RETAINED, TUNA SHOULD BE TREATED LIKE OTHER SPECIES AND COASTAL STATE MUST HAVE A VETO IN ORGANIZATION.)

5. WHEN DEBATE SHIFTED TO QUESTION OF RIGHTS OF OTHER STATES IN ZONE, GDR PROPOSED THAT ARTICLE 50-1 BE AMENDED TO REQUIRE THAT DETERMINATION OF ALLOWABLE CATCH BE MADE ON THE BASIS OF SCIENTIFIC DATA, AND IN

AGREEMENT WITH COMPETENT REGIONAL AND GLOBAL ORGANIZATIONS COMPOSED OF REPRESENTATIVES OF INTERESTED STATES IN THE AREA TOGETHER WITH THE REPRESENTATIVE OF STATES WHICH FISH IN THE AREA, AND THAT ARTICLES 51-4(A) THROUGH 51-4(K) BE DELETED. AFTER A BRIEF FLURRY AS TO WHETHER THERE IS SUCH A THING AS A GEOGRAPHICALLY DISADVANTAGED STATE, AND, IF SO, HOW IT IS DEFINED, THE MEETING EXPIRED EARLY, AS BOTH LL/GDS AND COASTAL STATES GROUPS CLEARLY UNPREPARED WITHIN THEIR RESPECTIVE GROUPS TO NEGOTIATE FURTHER IN THIS FORUM, AT THIS TIME.
BENNETT

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEE MEETINGS, NEGOTIATIONS, TWO HUNDRED MILE LIMIT, ADJACENT SEAS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03274
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760315-1290
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760844/aaaabmnp.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 17 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 MAY 2004 by greeneet>; APPROVED <15 OCT 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INFORMAL MEETING OF NEGOTIATING GROUP I (ECO- NOMIC ZONE) OF COMMITTEE II, PM, 16 AUGUST 1976
TAGS: PLOS, LOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006